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MEMO ENDORSED

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September 6, 2022

VIA ECF ONLY

Hon. Valeri E. Caproni
United States District Judge
U.S. District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
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**Re: Hercules OEM Group, et al. v. M/V "ZIM ANTWERP," et al.
Docket No. 1:22-cv-2636 (VEC)
U.S. District Court for the Southern District of New York
Our File No. 448003.00021**

Dear Judge Caproni:

We are attorneys representing plaintiff HERCULES OEM GROUP and its subrogated cargo insurers in the above-referenced matter and write to respectfully request that fact and expert discovery cut-offs be extended by another two (2) months.

This matter arises from the ocean transportation of a water meter machine from China to the U.S. pursuant to certain transportation documentation, including a house and master bill of lading. The shipment arrived at final destination at Tallassee, Alabama with significant water damage. Plaintiff has sued those parties responsible for the issuance of the house and master bills of lading. Defendants continue to deny liability.

To date, the parties have exchanged their initial disclosures and have completed one (1) fact witness deposition and have scheduled a non-party witness deposition for Tuesday, September 13th. The parties anticipate taking at least two (2) party depositions. At this point, it is unclear whether experts will be necessary, but the parties wish to reserve the right to do so, if necessary.

The reason for the delay in completing these depositions is that most of the witnesses are located outside of New York and many of the witnesses are not under the parties' control.

Counsel for defendants ZIM INTEGRATED SHIPPING SERVICES LTD. and ORIENT STAR TRANSPORT INTERNATIONAL LTD. join in this request for an extension of the discovery cut-off.

If this request is granted, the schedule will change as follows:

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1. Fact discovery cut-off will be extended from September 9, 2022 to November 11, 2022;
2. Expert discovery cut-off will be extended from October 21, 2022 to December 23, 2022.

The parties continue to request that this matter be referred to the Magistrate Judge after the close of fact discovery.

At the close of discovery, all parties intend on moving for summary judgment.

This is the first time any party has requested an extension of any court-ordered deadline.

The Court may wish to adjourn the September 16th pretrial conference till sometime after the November 11th fact discovery cut-off, but the parties leave this decision to the Court's discretion.

We thank the Court for its attention and courtesies throughout the handling of this matter, and remain,

Respectfully yours,

KMA ZUCKERT LLC



By: _____
David Y. Loh

DYL/pc

Application GRANTED. The deadline for fact discovery is hereby extended from September 9, 2022, to **November 11, 2022**. The deadline for expert discovery is hereby extended from October 21, 2022, to **December 23, 2022**. The pretrial conference currently scheduled for Friday, September 16, 2022, at 10:00 a.m. is hereby ADJOURNED until **Friday, November 18, 2022, at 10 a.m.**

SO ORDERED.



09/07/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE